

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAWNE LUKEFF, on behalf of her minor daughter)
DESIRE COBBLE and all others similarly situated,)
Plaintiff,)
v.)
BANK OF AMERICA, N.A.; COLUMBIA)
FUNDS SERIES TRUST f/k/a NATIONS FUNDS)
TRUST; WILLIAM P. CARMICHAEL; and)
BANK OF AMERICA CORPORATION,)
Defendants.)

Case No. 06-CV-1435 (JGK)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed Affidavit of Andrew B. Messite, sworn to October 6, 2006, the exhibits annexed thereto and the accompanying Memorandum of Law, defendants Bank of America, N.A. and Bank of America Corporation will move the Court at the United States Courthouse, 500 Pearl Street, Room 1030, New York, New York 10007-1312 at a date and time to be designated by the Court, for an order, pursuant to Federal Rule of Civil Procedure 12(b), dismissing Plaintiff's Amended Complaint, along with such other and further relief as the Court deems just, proper, and equitable.

Dated: New York, New York
October 6, 2006

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